

By: West

S.B. No. 717

A BILL TO BE ENTITLED

AN ACT

relating to consent by a minor to housing or care provided through a transitional living program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 32, Family Code, is amended by adding Section 32.203 to read as follows:

Sec. 32.203. CONSENT BY MINOR TO HOUSING OR CARE PROVIDED THROUGH TRANSITIONAL LIVING PROGRAM. (a) In this section, "transitional living program" means a residential services program for children provided in a residential child-care facility licensed or certified by the Department of Family and Protective Services under Chapter 42, Human Resources Code, that:

(1) is designed to provide basic life skills training and the opportunity to practice those skills, with a goal of basic life skills development toward independent living; and

(2) is not an independent living program.

(b) A minor may consent to housing or care provided to the minor or the minor's child or children, if any, through a transitional living program if the minor is:

(1) 16 years of age or older and:

(A) resides separate and apart from the minor's parent, managing conservator, or guardian, regardless of whether the parent, managing conservator, or guardian consents to the residence and regardless of the duration of the residence; and

1                   (B) manages the minor's own financial affairs,  
2 regardless of the source of income; or

3                   (2) unmarried and is pregnant or is the parent of a  
4 child.

5                   (c) Consent by a minor to housing or care under this section  
6 is not subject to disaffirmance because of minority.

7                   (d) A transitional living program may, with or without the  
8 consent of the parent, managing conservator, or guardian, provide  
9 housing or care to the minor or the minor's child or children.

10                  (e) A transitional living program must attempt to notify the  
11 minor's parent, managing conservator, or guardian regarding the  
12 minor's location.

13                  (f) A transitional living program is not liable for  
14 providing housing or care to the minor or the minor's child or  
15 children if the minor consents as provided by this section, except  
16 that the program is liable for the program's own acts of negligence.

17                  (g) A transitional living program may rely on a minor's  
18 written statement containing the grounds on which the minor has  
19 capacity to consent to housing or care provided through the  
20 program.

21                  (h) To the extent of any conflict between this section and  
22 Section 32.003, Section 32.003 prevails.

23                  SECTION 2. This Act takes effect immediately if it receives  
24 a vote of two-thirds of all the members elected to each house, as  
25 provided by Section 39, Article III, Texas Constitution. If this  
26 Act does not receive the vote necessary for immediate effect, this  
27 Act takes effect September 1, 2013.